

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-094509

11/19/2009

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
L. Wilkins
Deputy

IN RE THE MARRIAGE OF
THOMAS R STILLWELL

THOMAS R STILLWELL
P O BOX 93007
PHOENIX AZ 85070-3007

AND

JOY LYNN STILLWELL

PAULA J BURNSTEIN

MINUTE ENTRY

Courtroom 402 - SE

9:14 a.m. This is the time set for Telephonic Resolution Management Conference re: Respondent/Mother's *Petition for Modification of Parenting Time, Child Support and Motion for Relief from Judgment* filed August 27, 2009. Petitioner/Father is present telephonically on his own behalf. Respondent/Mother is not present but is represented by above named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Father addresses the Court.

Counsel for Mother addresses the Court.

Discussion is held regarding Petitioner/Father's *Accelerated Motion for Continuance* filed November 13, 2009.

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IT IS ORDERED denying Father's *Accelerated Motion to Continue*. The Court hereby deems this proceeding as the Resolution Management Conference.

Discussion is held regarding Mother's *Motion for Relief from Judgment*.

Mother moves the Court to grant Mother's *Motion for Relief from Judgment* and to set a hearing regarding parenting time, child support and attorney's fees.

Pursuant to agreement of the parties, and on a temporary basis,

IT IS ORDERED Mother may have unsupervised parenting time on alternating weekends from Saturday morning at 8:00 a.m. until Monday morning when the children go to school. Mother's alternating weekend parenting time shall begin on the first weekend she is off from work from this date.

IT IS FURTHER ORDERED Mother's holiday parenting time shall be unsupervised. The parties shall work together to ensure Mother has time with the minor children during the holidays.

IT IS FURTHER ORDERED setting Evidentiary Hearing re: Respondent/Mother's *Petition for Modification of Parenting Time, Child Support* and attorney's fees on **February 11, 2010 at 10:30 a.m. (1 ½ hours allowed)** in this Division at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 402
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

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IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Information.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of

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Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED if either party has exhibits to be marked they shall be delivered to this Division at least five (5) business days prior to hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

9:29 a.m. Conference concludes.

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.